

STAYED,TYPE-D

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02403-CJN**

BAKER v. CONSUMER FINANCIAL PROTECTION  
BUREAU

Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2018

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JOSHUA BAKER**

represented by **Jonathan Stern**  
THE ROSEN LAW FIRM, P.A.  
275 Madison Avenue  
34th Floor  
New York, NY 10016  
(212) 686-1060  
Email: [jstern@rosenlegal.com](mailto:jstern@rosenlegal.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Nicholas Ian Porritt**  
Levi & Korsinsky LLP  
1101 30th Street, NW  
Suite 115  
Washington, DC 20007  
(202) 524-4293  
Email: [nporritt@zlk.com](mailto:nporritt@zlk.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**CONSUMER FINANCIAL  
PROTECTION BUREAU**

represented by **Johnny Hillary Walker , III**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2575  
Fax: (202) 252-2599  
Email: [johnny.walker@usdoj.gov](mailto:johnny.walker@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Doris Denise Coles-Huff**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2557  
Fax: (202) 252-2599  
Email: [doris.coles@usdoj.gov](mailto:doris.coles@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Movant**

**ZILLOW GROUP, INC**

represented by **Kelly B. Kramer**  
MAYER BROWN, LLP  
1999 K Street NW  
Washington, DC 20006  
(202) 263-3000

Fax: (202) 263-3300  
 Email: [kkramer@mayerbrown.com](mailto:kkramer@mayerbrown.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/18/2018	<u>1</u>	COMPLAINT against CONSUMER FINANCIAL PROTECTION BUREAU ( Filing fee \$ 400 receipt number 0090-5747480) filed by JOSHUA BAKER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons CFPB, # <u>3</u> Summons USAG, # <u>4</u> Summons DC USAO)(Porritt, Nicholas) (Entered: 10/18/2018)
10/18/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zmd) (Entered: 10/23/2018)
10/19/2018	<u>2</u>	MOTION for Preliminary Injunction by JOSHUA BAKER (Attachments: # <u>1</u> Declaration Joshua Baker, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Text of Proposed Order)(Porritt, Nicholas) (Entered: 10/19/2018)
10/23/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to CONSUMER FINANCIAL PROTECTION BUREAU, U.S. Attorney and U.S. Attorney General (jf) (Entered: 10/23/2018)
10/23/2018	<u>4</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 10/23/2018)
10/23/2018		MINUTE ORDER: On October 23, 2018, the Court conducted a teleconference with the parties regarding Plaintiff's request for a Preliminary Injunction in his FOIA case. Defense counsel indicated that there are two groups of potentially responsive documents. One group contains approximately 2,700 documents; the other group contains over 600,000 documents. Due to the large number of documents and the complexity of the request, Defense counsel indicated it is unlikely that the documents will be reviewed and disclosed with a Vaughn index by November 2, 2018, the date requested by Plaintiff. The parties report that they will continue discussions in an attempt to narrow and prioritize Plaintiff's FOIA request. While the parties continue their discussions, the Court will set a briefing schedule. The Court ORDERS Defendant to file a response to Plaintiff's Motion for a Preliminary Injunction by OCTOBER 29, 2018 at 12:00 p.m. The Court further ORDERS Plaintiff to file a Reply by OCTOBER 30, 2018 at 5:00 p.m. Signed by Judge Colleen Kollar-Kotelly on 10/23/2018. (lcckk3) (Entered: 10/23/2018)
10/23/2018		Set/Reset Deadlines: Defendant's Response to <u>2</u> due by 10/29/2018. Reply due by 10/30/2018. (dot) (Entered: 10/24/2018)
10/29/2018	<u>5</u>	Memorandum in opposition to re <u>2</u> MOTION for Preliminary Injunction filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Attachments: # <u>1</u> Declaration of Raynell Lazier (with exhibits))(Walker, Johnny) (Entered: 10/29/2018)
10/29/2018	<u>6</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on 10/29/18. (DM) (Entered: 10/29/2018)
10/30/2018	<u>7</u>	REPLY to opposition to motion re <u>2</u> MOTION for Preliminary Injunction filed by JOSHUA BAKER. (Attachments: # <u>1</u> Declaration)(Porritt, Nicholas) (Entered: 10/30/2018)
10/30/2018	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jonathan Stern, :Firm- The Rosen Law Firm, P.A., :Address- 275 Madison Avenue, 34th Floor. Phone No. - 212-686-1060. Fax No. - 212-202-3827 Filing fee \$ 100, receipt number 0090-5765945. Fee Status: Fee Paid. by JOSHUA BAKER (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Porritt, Nicholas) (Entered: 10/30/2018)
10/31/2018		MINUTE ORDER GRANTING <u>8</u> Motion for Admission of Attorney Pro Hac Vice with respect to Jonathan Stern, in order for him to appear as counsel for Plaintiff, CONTINGENT on said attorney filing a declaration certifying familiarity with this Court's Local Rules by no later than NOVEMBER 5, 2018. Counsel shall promptly register for this Court's CM/ECF system.Signed by Judge Colleen Kollar-Kotelly on 10/31/2018. (lcckk3) (Entered: 10/31/2018)

11/01/2018	<u>9</u>	ORDER denying <u>2</u> Motion for Preliminary Injunction. Signed by Judge Colleen Kollar-Kotelly on 11/1/2018. (lcckk3) (Entered: 11/01/2018)
11/01/2018	<u>10</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on 11/1/2018. (lcckk3) (Entered: 11/01/2018)
11/01/2018		MINUTE ORDER: Understanding that an Answer has yet to be filed, the Court ORDERS Defendant to file a Status Report by NOVEMBER 15, 2018. Using the prioritization of documents set out in Plaintiff's <u>7</u> Reply, Defendant's Status Report should provide a timeline indicating how much time it would take for Defendant to process and release on a rolling basis the three groups of documents Plaintiff has identified. See Reply Statement of Points and Authorities in Support of Plaintiff's Motion for a Preliminary Injunction, ECF No. <u>7</u> , 1–2. Signed by Judge Colleen Kollar-Kotelly on 11/1/2018. (lcckk3) (Entered: 11/01/2018)
11/01/2018		Set/Reset Deadlines: Defendant's Status Report due by 11/15/2018. (kt) (Entered: 11/01/2018)
11/05/2018	<u>11</u>	RESPONSE TO ORDER OF THE COURT re Order on Motion for Leave to Appear Pro Hac Vice, <i>Declaration Certifying Familiarity with Local Rules</i> filed by JOSHUA BAKER. (Stern, Jonathan) (Entered: 11/05/2018)
11/15/2018	<u>12</u>	STATUS REPORT by CONSUMER FINANCIAL PROTECTION BUREAU. (Walker, Johnny) (Entered: 11/15/2018)
11/15/2018	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CONSUMER FINANCIAL PROTECTION BUREAU served on 11/15/2018 (Stern, Jonathan) Modified party served on 11/16/2018 (ztd). (Entered: 11/15/2018)
11/15/2018	<u>14</u>	MOTION to Intervene by ZILLOW GROUP, INC (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Corporate Disclosure, # <u>3</u> Proposed Answer, # <u>4</u> Text of Proposed Order)(Kramer, Kelly) (Entered: 11/15/2018)
11/15/2018	<u>15</u>	NOTICE of Appearance by Kelly B. Kramer on behalf of ZILLOW GROUP, INC (Kramer, Kelly) (Entered: 11/15/2018)
11/19/2018		MINUTE ORDER: The Court is in receipt of Zillow Group, Inc.'s <u>14</u> Motion to Intervene. Zillow indicates that Defendant does not object to this motion. But, Zillow reports that Plaintiff has not yet indicated whether or not it objects to the motion. The Court ORDERS Plaintiff to file a response to Zillow's Motion by NOVEMBER 30, 2018. The Court further ORDERS Zillow to file a reply in support of its motion by DECEMBER 7, 2018, if Zillow deems a reply to be necessary. Signed by Judge Colleen Kollar-Kotelly on 11/19/2018.(lcckk3) (Entered: 11/19/2018)
11/20/2018		NOTICE OF ERROR re <u>15</u> Notice of Appearance; emailed to kkrumer@mayerbrown.com, cc'd 4 associated attorneys — The PDF file you docketed contained errors: 1. Invalid attorney signature, 2. Attorney's membership with the bar of this court has lapsed; Please visit our website for renewal instructions: <a href="http://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information">http://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information</a> (znmw, ) (Entered: 11/20/2018)
11/27/2018	<u>16</u>	RESPONSE re <u>14</u> MOTION to Intervene filed by JOSHUA BAKER. (Stern, Jonathan) (Entered: 11/27/2018)
11/27/2018	<u>17</u>	ORDER granting <u>14</u> Motion to Intervene. Signed by Judge Colleen Kollar-Kotelly on 11/27/2018. (lcckk3) (Entered: 11/27/2018)
12/17/2018	<u>18</u>	ANSWER to Complaint by CONSUMER FINANCIAL PROTECTION BUREAU.(Walker, Johnny) (Entered: 12/17/2018)
12/17/2018	<u>19</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 12/17/2018. (lcckk3) (Entered: 12/17/2018)
12/17/2018		Set/Reset Deadlines: Joint Meet & Confer Statement due by 1/22/2019. (dot) (Entered: 12/18/2018)
01/22/2019	<u>20</u>	MOTION to Stay by CONSUMER FINANCIAL PROTECTION BUREAU (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris). Added MOTION for Extension of Time to on 1/25/2019 (znmw). (Entered: 01/22/2019)

01/22/2019		MINUTE ORDER: The Court is in receipt of Defendant's <u>20</u> Motion for Stay and Extension of Time in Light of Lapse of Appropriations. As of December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations lapsed. Absent an appropriation, Department attorneys are prohibited from working except in situations which do not apply to this case. Defendant requests that this action be stayed during the lapse in appropriations and that the Court extend the deadline for submitting the Joint Meet and Confer Statement for 30 days after appropriations have been restored. Defendant reports that the Plaintiff and Intervenor agree to the requested stay and extension. Defendant's motion is GRANTED. The case is STAYED and the parties are ORDERED to file their Joint Meet and Confer Statement 30 days after appropriations have been restored to the Department of Justice. Defendant has not indicated whether the agency personnel responsible for processing Plaintiff's FOIA request have been deemed essential. To the extent that those agency personnel have been deemed essential, they should continue to process Plaintiff's FOIA request during the pendency of the lapse in appropriations so that, upon restoration of funding, the Joint Meet and Confer Statement may be submitted more promptly. Signed by Judge Colleen Kollar-Kotelly on 1/22/2019. (lcckk3) (Entered: 01/22/2019)
01/25/2019	<u>21</u>	MOTION to Stay by ZILLOW GROUP, INC (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Kelly B. Kramer, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Text of Proposed Order)(Kramer, Kelly) (Entered: 01/25/2019)
01/28/2019		MINUTE ORDER: On January 22, 2019, the Court issued a Stay in this case based on the lack of appropriations to the Department of Justice. However, as appropriations have now been restored for at least three weeks, the Court ORDERS the Stay LIFTED. During the Stay, the court indicated that those CFBP personnel in charge of processing Plaintiff's FOIA request should continue processing the request during the pendency of the lapse in appropriations to the extent possible. It appears that the CFBP has provided Zillow with some records and has asked Zillow its views on what information is exempt from disclosure. In its <u>21</u> Motion to Stay, Zillow asks the Court to stay this case based on its opinion that the Supreme Court's decision in Food Marketing Institute v. Argus Leader Media, No. 18-481 will provide insight on the meaning of the term "confidential" as it applies to certain FOIA exemptions that Zillow may attempt to use. Zillow indicates that Plaintiff opposes its motion and that Defendant has not yet expressed a position. The Court ORDERES Plaintiff to file an Opposition to Zillow's motion by FEBRUARY 8, 2019. Defendant is also ORDERED to indicate its position on Zillow's motion by FEBRUARY 8, 2019. Zillow is ORDERED to file a Reply in support of its motion by FEBURARY 15, 2019. Signed by Judge Colleen Kollar-Kotelly on 1-28-2019. (lcckk3) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines: Plaintiff's Response to <u>21</u> due by 2/8/2019. Reply due by 2/15/2019. (dot) (Entered: 01/29/2019)
02/08/2019	<u>22</u>	RESPONSE re <u>21</u> MOTION to Stay ( <i>Statement of Nonopposition</i> ) filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Walker, Johnny) (Entered: 02/08/2019)
02/08/2019	<u>23</u>	Memorandum in opposition to re <u>21</u> MOTION to Stay filed by JOSHUA BAKER. (Stern, Jonathan) (Entered: 02/08/2019)
02/15/2019	<u>24</u>	REPLY to opposition to motion re <u>21</u> MOTION to Stay filed by ZILLOW GROUP, INC. (Kramer, Kelly) (Entered: 02/15/2019)
02/21/2019	<u>25</u>	ORDER granting <u>21</u> Motion to Stay. Signed by Judge Colleen Kollar-Kotelly on 2-21-2019. (lcckk3) (Entered: 02/21/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 06/24/2019)